

REDACTED – FOR PUBLIC INSPECTION

October 24, 2018

VIA ECFS & HAND DELIVERY

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

**Re: Notification of Substantive Change
CG Docket Nos. 13-24, 10-51, and 03-123
REQUEST FOR CONFIDENTIAL TREATMENT**

Dear Ms. Dortch:

ClearCaptions, LLC (“ClearCaptions” or “Company”) hereby requests confidential treatment of all information contained after the notation *****BEGIN CONFIDENTIAL INFORMATION***** and before the notation *****END CONFIDENTIAL INFORMATION***** (the “Confidential Information”) in the enclosed Notification of Substantive Change (“Notification”) pursuant to the *Protective Order* in the above-captioned proceedings and in accordance with Sections 0.457 and 0.459 of the Federal Communications Commission’s (“FCC” or “Commission”) rules.¹

The Confidential Information is Company-specific, proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is subject to Exemption 4 under the Freedom of Information Act (“FOIA”).² The Confidential Information has been redacted from the version of this Notification electronically filed with the Commission.

In support of this request for confidential treatment, ClearCaptions provides the following information:³

¹ *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Structure and Practices of the Video Relay Service Program; Misuse of Internet Protocol (IP) Captioned Telephone Service*, Order and Third Protective Order, CG Docket Nos. 03-123, 10-51, and 13-24, DA 18-751 (rel. July 20, 2018) (“*Protective Order*”); 47 C.F.R. §§ 0.457, 0.459.

² 47 C.F.R. § 0.457; 5 U.S.C. § 552(b)(4).

³ 47 C.F.R. § 0.459(b).

1. Identification of the specific information for which confidential treatment is sought

ClearCaptions requests confidential treatment of all information contained after the notation *****BEGIN CONFIDENTIAL INFORMATION***** and before the notation *****END CONFIDENTIAL INFORMATION***** in the enclosed Notification. The Confidential Information is proprietary commercial and business information that is not customarily disclosed to the public or within the industry and is confidential commercial information under Exemption 4 of the FOIA.⁴

2. Identification of the Commission proceeding in which the information is submitted or a description of the circumstances giving rise to the submission

ClearCaptions is submitting the enclosed Notification to provide the Commission with notice of a substantive change in ClearCaptions' service pursuant to Section 64.606(f)(2) of the Commission's rules.⁵

3. Explanation of the degree to which the information is commercial or financial, or contains a trade secret or is privileged

The Confidential Information at issue is proprietary commercial information that is specific to ClearCaptions and is sensitive for competitive reasons. The Confidential Information is safeguarded from competitors and is not made available to the public. If the Confidential Information is not protected from disclosure, other providers could utilize the information against ClearCaptions.

4. Explanation of the degree to which the information concerns a service that is subject to competition

The Confidential Information concerns Internet Protocol Captioned Telephone Service ("IP CTS"), a nationwide competitive service.

5. Explanation of how disclosure of the information could result in substantial competitive harm

The disclosure of the Confidential Information could cause substantial competitive harm to ClearCaptions. Because other providers would have access to significant information regarding the Company's current capabilities, they could use the Confidential Information to the Company's disadvantage in the marketplace. The presence of competitors in the IP CTS market and the likelihood of competitive injury to ClearCaptions threatened by the release of this information should compel the Commission to withhold the Confidential Information from public disclosure. The Commission has provided assurances that it is "sensitive to ensuring that the fulfillment of its

⁴ 5 U.S.C. § 552(b)(4).

⁵ 47 C.F.R. § 64.606(f)(2).

regulatory responsibilities does not result in the unnecessary disclosure of information that might put its regulatees at a competitive disadvantage.”⁶

6. Identification of any measures taken by the submitting party to prevent unauthorized disclosure.

In order to prevent unauthorized disclosure of the subject information, ClearCaptions is hereby submitting a request that the subject information be treated as Confidential Information indefinitely. ClearCaptions takes routine measures to ensure the confidentiality of this information during normal business operations, including instructing its employees and contracting partners not to disclosure such information outside of the Company, and restricting access to this information internally.

7. Identification of whether the information is available to the public and the extent of any previous disclosure of the information to third parties.

ClearCaptions does not make the Confidential Information available to the public.

8. Justification of the period during which the submitting party asserts that the material should not be available for public disclosure

ClearCaptions requests that the Confidential Information be treated as Confidential on an indefinite basis as it cannot identify a date certain on which this information could be disclosed without causing competitive harm to ClearCaptions.

9. Any other information that the party seeking confidential treatment believes may be useful in assessing whether its request for confidentiality should be granted.

ClearCaptions requests that, in the event the Commission denies the Company’s request for confidentiality, the Commission return the materials without consideration of the contents therein.

Should you have any questions concerning the foregoing request, please contact the undersigned.

⁶ *Examination of the Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission*, Report and Order, 13 FCC Rcd 24816, ¶ 8 (1998).

Respectfully submitted,

/s/ Michael Strecker

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Vice President of Regulatory and
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Dear Ms. Dortch:

In accordance with 47 C.F.R. §64.606(f)(2), ClearCaptions, LLC (“ClearCaptions” or “Company”) submits this Notification of Substantive Change to report a substantive change in the services and features provided by the Company as a provider of Internet Protocol Captioned Telephone Service (“IP CTS”).

ClearCaptions has opened a new IP CTS call center listed at the below address. This call center began handling calls on October 22, 2018.

*****BEGIN CONFIDENTIAL INFORMATION*****

*****END CONFIDENTIAL INFORMATION*****

The Company certifies that this change did not affect its compliance with applicable minimum standards following the implementation of this substantive change.

Should you have any questions concerning the foregoing please contact the undersigned.

Respectfully submitted,

CLEARCAPTIONS, LLC

/s/ Michael Strecker

Michael Strecker
Vice President of Regulatory and
Strategic Policy
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